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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,013	09/08/2003	Garvin S. Kotzin	KOTZIN 595	5153

7590

09/30/2004

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EXAMINER

GRIER, LAURA A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,013

Applicant(s)

KOTZIN, GARVIN S.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2644

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 4, line 4, recites, "a card". This claim language is indefinite because it is unclear to the examiner as whether more than one card is being claimed. For the purpose of examination, the recited has been interpreted to be one in the same as the card of claim 1. An appropriate explanation or correction of the claim language is required.

Regarding claims 5-9, they depend from claim 4.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirshberg, U. S.

Patent No. 5418520.

Regarding claim 1, Hirshberg discloses a credit card alert system. Hirshberg's disclosure comprises a case (2), which is a wallet or credit card holder, which reads on a body, a voice programmable microchip (5) coupled with a loudspeaker (4), which reads on an audible sound producing device; a contacts (8/9) which trigger a timer that causes the microchip to be activated, which reads on a control device, it inherent that body comprises walls with a opening as evident of the case being a wallet or credit card holder, the contacts are attached near the opening of the card compartment (figure 1 and 2), when the card is in the compartment the microchip is not activated, which reads on when a card being retained in the opening and the audible sound producing device is inactive; when remove for a predetermined period of time the, the voice microchip is activated by the contacts via the timer to provide a melody, song or words in a human voice, which reads on the control device causing the audible sound producing device to be active and produce audio signals – (abstract, col. 1, lines 36-57, col. 2, lines 10-30, col. 3, lines 20-21).

Regarding claim 2, Hirshberg discloses everything claimed as applied above (see claim 1). Hirshberg inherently discloses that body comprising walls with a opening as evident of the case being a wallet or credit card holder, the contacts are attached near the opening of the card compartment (figure 1 and 2), which reads on indicative of a slot as well.

Regarding claim 3, Hirshberg discloses everything claimed as applied above (see claim 1). Hirshberg disclose the voice microchip, which inherently indicates the audible sound producing device in the form of a flat disk having faces with at least one side of walls joining the faces of the disk and opening being the said wall (see figure 1 and 2).

Art Unit: 2644

Regarding claim 4, Hirshberg discloses everything claimed as applied above (see claim 1). Hirshberg disclose a case including an voice generating means which includes a record/back electronic microchip for producing melody, song or words in a human voice (col. 3, lines 54-56 and col. 4, lines 1-2), which indicates an electrical audio player, wherein the contacts of Hirshberg are indicative of a switch coupled thereto the microchip and the opening, therein.

Regarding claim 5, Hirshberg discloses everything claimed as applied above (see claim 4). Hirshberg inherently discloses that body comprising walls with a opening as evident of the case being a wallet or credit card holder, the contacts are attached near the opening of the card compartment (figure 1 and 2), which reads on indicative of a slot as well.

Regarding claim 6, Hirshberg discloses everything claimed as applied above (see claim 4). Hirshberg disclose the voice microchip, which inherently indicates the audible sound producing device in the form of a flat disk having faces with at least one side of walls joining the faces of the disk and opening being the said wall (see figure 1 and 2).

Allowable Subject Matter

6. Claims 15-24 are allowed.


7. Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A. Grier
September 27, 2004